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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001849

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 11/07/2016

TAGS: PREL PTER PHUM PREF MOPS CE

SUBJECT: SRI LANKA: GOVERNMENT NAMES COMMISSION OF INQUIRY
ON HUMAN RIGHTS; UN NOMINATES EXPERTS TO INDEPENDENT
OBSERVER GROUP

REF: A. COLOMBO 1793

¶B. COLOMBO-SCA/INS OFFICIAL-INFORMAL OF 11/3/06

Classified By: Ambassador Robert O. Blake for reasons 1.4(b,d).

¶1. (SBU) Summary: On November 6 Sri Lankan President Mahinda Rajapaksa approved the appointment of a Commission of Inquiry to investigate human rights violations committed since August 2005, headed by outgoing Supreme Court Justice Nissanka Udalagama. The Government of Sri Lanka (GSL) announced that an International Independent Group of Eminent Persons (IIGEP) would observe the investigations to ensure they are conducted in accordance with international standards. United Nations High Commissioner for Human Rights Louise Arbour nominated six experts on November 6 to participate in the committee of international observers, or IIGEP. Human Rights Minister Mahinda Samarasinghe expects the commission to be functional in six to eight weeks. Action requested para 7. End Summary.

Government Touts International Help

¶2. (U) On November 6 Sri Lankan President Mahinda Rajapaksa approved the appointment of a Commission of Inquiry to investigate human rights violations that have occurred since August 2005. Retiring Supreme Court Justice Nissanka Udalagama will head the commission. The other seven members are:

-- former Solicitor-General Upawansa Yapa
-- former national Human Rights Commission (HRC) member
Manohari Mutthettuwegama
-- former national Legal Aid Commission chairman and
Constitutional Council member S.S. Wijeratne
-- former Jaffna Government Agent and Harvard University
graduate Dr. Devanesan Nesiah
-- Southeastern University Chancellor Jezima Ismail
-- former Government Agent for Jaffna and Vavuniya K.S.
Logeswaran
-- former Muslim Peace Secretariat Secretary General and HRC

member Javid Yusuf.

Human Rights Minister Mahinda Samarasinghe told the press that the commission would start work in six to eight weeks.
¶3. (C) U.N. Office of the High Commissioner on Human Rights Colombo representative Rory Mongoven characterized Justice Udalagama as a capable legal professional who has worked his way up through hard work and does not have a political agenda. Mongoven and other contacts have praised the rest of the commission members as serious and credible leaders from civil society and government.

¶4. (U) The Government of Sri Lanka (GSL) announced that an International Independent Group of Eminent Persons (IIGEP) would observe the investigations to ensure they are conducted in accordance with international standards. United Nations High Commissioner for Human Rights Louise Arbour nominated six experts on November 6 to participate in the committee of international observers, or IIGEP. The GSL will select one or two nominees from this list:

-- former South African Chief Justice Arthur Chaskalson
-- former UN Special Rapporteur on Afghanistan and former Bangladeshi Minister of Foreign Affairs Kamal Hossain
-- UN Special Representative of the Secretary-General on Human Rights Defenders Hima Jilani (Pakistan)
-- former Jordanian Minister of Culture Sama Khader
-- Director of the Fiji Human Rights Commission Shaista Shameen
-- Special Rapporteur on Torture Dr. Theo Van Boven (Netherlands)

High-Profile Cases

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¶5. (U) The 15 high-profile cases on which the committee will commence investigations date back to August 2005. The inquiry will not be limited to these cases:

-- the August 2005 assassination of Foreign Minister Lakshman Kadirgamar
-- the December 2005 assassination of Tamil National Alliance (TNA) Parliamentarian Joseph Pararajasingham
-- the January 2006 murders of five teenagers in Trincomalee
-- the May 2006 killings of 13 civilians in Kayts
-- the August 2006 murders of 17 local staff members of the international NGO Action Contre la Faim (ACF) in Muttur
-- the August 2006 murder of Deputy Peace Secretariat Chief Kethesh Loganathan
-- the October 2006 truck bombing which killed 100 naval personnel near Habarana.
-- the August 2006 alleged execution of Muslim villagers in Muttur and the execution of 14 villagers in Welikanda
-- the August 2006 death of 51 persons in Naddalamottankulam, Sencholai
-- the August 2006 disappearance of Rev. Nihal Jim Brown of Philip Neri's Church, Allaipidi
-- the June 2006 killing of five fisherman at Pesali beach, Mannar and another at a Pesalai church
-- the September 2006 killing of ten Muslim villagers near an area controlled by Pottuvil police
-- the June 2006 claymore attack which killed 68 persons near Anuradhapura
-- the April 2006 discovery of five headless bodies in Avissawella
-- the May 2005 killing of 13 persons in Welikanda

A Major Step Forward

¶6. (C) COMMENT: Although international concern over the ACF killings in Muttur may have provided the incentive for the GSL to establish the Commission of Inquiry on human rights violations, the government seems to be taking its

responsibility to create a credible commission seriously even as both sides continue to be responsible for serious human rights abuses. The international community, including the Office of the High Commissioner for Human Rights, has generally been satisfied with the quality of the nominations to the Commission. The caliber of the individual nominees is perhaps the best assurance of the Commission's future independence and integrity. The mere fact that the government has made public a list of the Commission's most high-profile cases is a major step forward. In several of these cases, scrupulous investigations could implicate elements of the security forces. The onus will remain on the GSL to allow the Commission to publish its findings, no matter where the trail leads.

¶7. Action Request: Per ref (B), the deadline for submitting nominations for the IIGEP is November 15. Post appreciates Department's efforts to identify an appropriate U.S. representative to the IIGEP before November 15.

BLAKE